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09/296,452	04/21/1999	TIMO BRUCK	WEB-340	8411

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EXAMINER
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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 February 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-11,23-27 and 58-91</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-11,23-27 and 58-91</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 April 1999</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Response to Arguments

1.   The indicated allowability of claims 10, 27 is withdrawn in view of the newly

discovered references as follow.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 6-11, 23-27, 88 and 90 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schindler (US 6,081,830) in view of Croy et al. (US 6,509,908).

Regarding claim 10, Schindler discloses a computer system having a graphical user

interface including a display 38, a method comprising the steps of:

Receiving video signal from plurality of channels such as NBC, ABC, CBS... and

displaying the video signal on the display of television 18 (see col. 3, lines 8-56).

Receiving text communications from one or more viewers of the video signal, the text communications being related to the video signal; and displaying the received text communications on the display with the video signal on display screen 38 (see col. 7, lines 2-44), wherein an identification characteristic of the video signal (xyz) is displayed outside of the video region of the display (see figure 3). However, Schindler does not specifically disclose the identifying characteristic includes a background underlying other display data.

Croy teaches identifying characteristic (DIS BAMBI – icon 1415 in IPG 1500) includes a background underlying other display data 1510 (see figures 14-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was make to modify Schindler to incorporate the feature as taught by Croy in order to provide an improved graphical user interface to user.

Regarding claim 6, Schindler discloses the identifying characteristic xyz identifies an episode of a television series included in the video signal (see fig. 3).

Regarding claim 7, Schindler discloses the identifying characteristic identifies a television series corresponding to the video signal (see fig. 3).

Regarding claim 8, Schindler discloses the identifying characteristic identifies a television network affiliate providing the video signal (see col. 4, lines 17-20).

Regarding claim 9, Schindler discloses the identifying characteristic identifies a

television network providing the video signal (see col. 4, lines 12-24).

Regarding claim 11, Schindler further discloses the method comprising the steps of:

determining an identifying characteristic of the video signal; and defining a user

interface for display of the text communication, the user interface being configured to

reflect the identifying characteristic of the video signal (see col. 6, lines 9- 43 or figure

2).

Regarding claim 88, Schindler teaches the chat region of the display adjacent the video

region of the display (see figure 3).

Regarding claim 27, Schindler teaches a graphical user interface for presentation on a

display device, the graphical user interface comprising:

a video region 40 of the display for presentation of a video program having an

identifying characteristic xyz; and

a chat region 52 of the display for real time presentation of text communications

between viewers of the video program during viewing of the video program, wherein the

appearance of the graphical user interface outside the video region is determined at

least by an identifying characteristic of the video program (see figure 3). However,

Schindler does not specifically disclose the identifying characteristic is used to

determine a background over which other information is displayed.

Croy teaches identifying characteristic (DIS BAMBI – icon 1415 in IPG 1500) includes a

background underlying other display data 1510 (see figures 14-15). Necessarily, the

identifying characteristic is used to determine a background over which other

information is displayed. Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was make to modify Schindler to incorporate the

feature as taught by Croy in order to provide an improved graphical user interface to

user.

Regarding claims 23-26 and 90, the claimed elements correspond with the elements

method for computer system in claims 6-9 and 88 and are analyzed as discussed in the

with respect to the rejections of claims 6-9 and 88.

4.   Claims 89 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schindler (US 6,081,830) in view of Croy et al. (US 6,509,908) as applied to

claimed 10 and 27 and further in view of Presto- " Presto's Tribes Client Scripter"

(hereinafter referred to as Presto).

Regarding claim 89, Schindler in view of Croy teaches a method as discussed in the

rejection of claim 10. However, neither Schindler nor Croy specifically discloses the chat

region of the display overlies the video region of the display.

Presto discloses the chat region of the display overlies the video region of the display (see picture 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler and Croy by displaying chat region overlies video region as taught by Presto in order to enlarge chat region and video region.

Regarding claim 91, the claimed elements correspond with the elements method for computer system in claim 89 and are analyzed as discussed in the with respect to the rejections of claim 89.

5.   Claims 58-62, 64, 73-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman et al. (US 6,330,595) and in view of Trovato et al. (US 6,425,012).

Regarding claim 58, Ullman teaches a client system comprising display for simultaneously showing video programs received from one or more video sources and chat communication corresponding to the received video programs, wherein the client system is capable of connecting to one or more host servers of one or more service provider and one or more of chat servers offering chat rooms, the method comprising: receiving a video program from a video source (content creation 4-see figure 1); displaying the video program at the client system (see figure 8);

receiving chat link data (web page) from the service provider (Internet 20) indicating that the client system may display a chat link for connecting to a chat room (web page) associate with the video program (see figure 8 and col. 10, line 23+);

based on the chat link data received from the service provider, displaying the chat link simultaneously with the video program (see col. 9, line 40); Ullman further disclose a chat dialogue frame 168 for conversing with the instructor and/or other students online. Whenever a student in the group send a message, the message is sent to the Internet Server 20 and every other student in the subgroup receives and views the message in their Chat dialogue frame 168. The instructor, however, may retain control over the chat feature (see figure 8 and col. 5+). However, Ullman does not clearly disclose sending a chat request to a host server upon selection of the chat link;

receiving a chat room identifier from the host server that identifies the available chat room associated with the video program and a chat server; and automatically connecting the client system with the chat room that is associated with the video program using the chat room identifier received by the host server.

Trovato et al. teaches sending a chat request to a host server upon selection of the chat link;

receiving a chat room identifier from the host server that identifies the available chat room associated with the video program and a chat server; and automatically connecting the client system with the chat room that is associated with the video program using the chat room identifier received by the host server (see figures 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ullman to incorporate the feature as taught by Trovato in order to allow the server provide an most interest chat room to user based on user's identification number.

Regarding claim 59, Trovato teaches the host and chat servers are the same server (see figure 1).

Regarding claim 60, Ullman teaches the video program and the chat link data are received in a signal broadcast from the video source (see figure 2).

Regarding claim 61, Ullman teaches the video program is displayed in a video region of the display and text communications are displayed in a chat region of the display (see figure 8).

Regarding claim 62, Ullman teaches the chat region of the display is adjacent the video region of the display (see figure 8).

Regarding claim 64, Ullman teaches a chat user interface displayed in the chat region is customized based on an episode of a television series included in the video program (see col. 8, line 13+)

Regarding claims 73-77, the claims are directed toward embody the method of claims 58-62 in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Ullman in view of Trovato discussed with respect to claims 58-62 in a "computer program product" in order that a processor could automatically perform the instructions.

6.   Claim 63, 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman et al. (US 6,330,595) and in view of Trovato et al. (US 6,425,012), and further in view of Presto- " Presto's Tribes Client Scripter" (hereinafter referred to as Presto).

Regarding claim 63, Ullman in view of Trovato teaches a method as discussed in the rejection of claim 61. However, neither Ullman nor Trovato specifically discloses the chat region of the display overlies the video region of the display.

Presto discloses the chat region of the display overlies the video region of the display (see picture 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ullman and Trovato by displaying chat region overlies video region as taught by Presto in order to enlarge chat region and video region.

Regarding claim 78, the claims are directed toward embody the method of claim 63 in a "computer program product." It would have been obvious to one of ordinary skill in the

art to embody the procedures of Ullman in view of Trovato discussed with respect to

claim 63 in a "computer program product" in order that a processor could automatically

perform the instructions.

7.   Claims 65-69, 71-72, 79-83, 85-87 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ullman et al. (US 6,330,595) and in view of Trovato et al. (US

6,425,012), and further in view of Schindler (US 6,081,830).

Regarding claim 65, Ullman in view of Trovato teaches a method as discussed in the

rejection of claim 61. Ullman also discloses web pages 176 automatically delivered to

each student's desktop with information or exercises that complement the video

presentation (see col. 11, lines 2-4). However, neither Ullman nor Trovato clearly

discloses an identifying characteristic of the video program is displayed outside of the

video region of the display.

Schindler teaches identifying characteristic xyz of the video signal is displayed outside

(chat room xyz 44) of the video region of the display (see fig. 3). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Ullman and Trovato to incorporate the feature as taught by Schindler in order

to indicate identifying characteristic of the video signal to user.

Regarding claim 66, Schindler discloses the identifying characteristic xyz identifies an

episode of a television series included in the video signal (see fig. 3).

Regarding claim 67, Schindler discloses the identifying characteristic identifies a

television series corresponding to the video signal (see fig. 3).

6Regarding claim 68, Schindler discloses the identifying characteristic identifies a

television network affiliate providing the video signal (see col. 4, lines 17-20).

Regarding claim 69, Schindler discloses the identifying characteristic identifies a

television network providing the video signal (see col. 4, lines 12-24).

Regarding claim 71, Schindler further discloses the method comprising the steps of:

determining an identifying characteristic of the video signal; and defining a user

interface for display of the text communication, the user interface being configured to

reflect the identifying characteristic of the video signal (see col. 6, lines 9- 43 or figure

2). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Ullman and Trovato to incorporate the feature as taught by

Schindler in order to indicate identifying characteristic of the video program to user.

Regarding claim 72, Schindler discloses the user interface includes a predefined chat

region 52 for display of the text communications (see figure 3).

Regarding claims 79-83, 85-86, the claims are directed toward embody the method of

claims 65-69, 71-72 in a "computer program product." It would have been obvious to

one of ordinary skill in the art to embody the procedures of Ullman in view of Trovato

discussed with respect to claims 65-69, 71-72 in a "computer program product" in order

that a processor could automatically perform the instructions.

Regarding claim 87, Ullman teaches the user interface includes a predefined video

region for display of the video program (see figure 8).

8.   Claims 70 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ullman et al. (US 6,330,595) and in view of Trovato et al. (US 6,425,012) and

Schindler (US 6,081,830) as applied to claim 65 and further in view of Croy (US

6,509,908).

Regarding claim 70, Ullman in view of Trovato and Schindler teaches a method

as discussed in the rejection of claim 65. However, none of them specifically discloses

the identifying characteristic includes a background underlying other display data.

        Croy teaches identifying characteristic (DIS BAMBI – icon 1415 in IPG 1500)

includes a background underlying other display data 1510 (see figures 14-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was make to modify Ullman, Trovato and Schindler to incorporate the feature as taught by Croy in order to provide an improved graphical user interface to user.

Regarding claim 84, the limitation of the system as claimed corresponds to the limitation of the method as claimed in claim 70 and are analyzed as discussed in the rejection of claim 70.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer office service whose telephone number is 703-306-0377.

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Son P. Huynh
May 5, 2003